

ALLYN & FORTUNA, LLP
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563-569 CAULDWELL REALTY LLC, f/k/a 381 E. 160 EQUITIES LLC
and M&P REALTY MANAGEMENT LLC
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**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

UNITED NATIONAL SPECIALTY
INSURANCE COMPANY

Docket No.: 08 CV 2936

Plaintiff,

-against-

563-569 CAULDWELL REALTY LLC, f/k/a 381 E.
160 EQUITIES, LLC, M&P REALTY MANAGEMENT
LLC and OMAR PANIAGUA,

RULE 26(a) DISCLOSURE

Defendants.

DEFENDANT'S RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, the undersigned counsel for the defendants 563-569 CAULDWELL REALTY LLC, f/k/a 381 E. 160 EQUITIES, LLC, M&P REALTY MANAGEMENT ("Cauldwell"), makes the following initial disclosures based on information reasonably available at this time. Cauldwell reserves its right to supplement or correct these disclosures upon continuing investigation and discovery.

Cauldwell's initial disclosures are also made without waiving in any way: (1) the right to object on the grounds of competency, privilege, relevancy materiality, hearsay, or any other proper ground, to the use of this information, for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (2) the right to object on any

grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures. All the disclosures set forth below are made subject to the above objections and qualifications.

I. Fed. R.Civ.P.26(a)(1)(A)

Individuals likely to have discoverable information relevant to disputed facts and defenses: Any individuals listed below as "c/o Defendant's Counsel" are represented by Cauldwell's counsel, Allyn & Fortuna, LLP, and therefore should only be contacted through counsel. Any individuals listed below as "c/o co-defendant's counsel" are believed to be affiliated with co-defendant OMAR PANIAGUA and/or represented by the Arce Law Office.

1. Benzion Fasten
Manager
c/o Cauldwell's Counsel
200 Madison Avenue, 5th Floor
New York, New York 10016
(212) 213 8844
May possess discoverable information regarding the premises located at 563-569 Cauldwell Avenue and information regarding the underlying personal injury action.
2. Manuel Montilla
Superintendent of Building
c/o Cauldwell's counsel
Though likely to have discoverable information, the scope of such information is unknown.
3. Omar Paniagua
Plaintiff in underlying personal injury action
C/o co-defendant's counsel

II. Fed. R.Civ.P.26(a)(1)(B)

A description by category and location of, all documents, data compilations, and tangible things that are in Cauldwell's possession, custody or control which the party may use to support its claims:

- Insurance Policy and renewal documents issued by plaintiff United National Insurance Company and exchanged as part of Cauldwell's response to plaintiff's Notice To Produce dated May 16, 2008.
- Correspondence and communications between the parties and between Cauldwell and its insurance broker, between Cauldwell and the plaintiff, and documents indicating Notice which are located within Cauldwell's Response to plaintiff's Notice to Produce dated May 16, 2008.
- All pleadings, court orders, deposition transcripts, and discovery exchanges in the underlying personal injury action which can be found as a matter of public record and which are appended to Cauldwell's Response to plaintiff's Notice to Produce dated may 16, 2008.

III. Fed. R.Civ.P.26(a)(1)(C)

Computation of damages:

As defendant Cauldwell is unable at this time to calculate the precise damages, defendant reserves its right to supplement this damages calculation once defendant has taken discovery in this matter.

Defendant is entitled to all compensatory damages in defending this suit and to declaratory relief as specified in defendant Cauldwell's Counterclaims. At this time, a calculation of defendant's compensatory damages is premature.

Defendant is also entitled to reasonable attorney's fees, costs and punitive damages as a result of plaintiff's actionable conduct.

IV. Fed. R.Civ.P.26(a)(1)(D)

Defendant is unaware of any insurance policy pertinent to this case other than the policies issued by the plaintiff to Cauldwell and those insurance documents appended as Exhibit "C" to Cauldwell's Response to plaintiff's Notice to Produce.

Dated: New York, New York
May 29, 2008

Respectfully submitted,

ALLYN & FORTUNA LLP

By: 

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